

1 Q. So for the March election, you said you had
2 two mobile units before those. And how far in advance
3 was that arranged? Can you recall, was it a few days or
4 a few weeks before the election that you had those
5 units?

6 A. Well, I think they actually came in February.
7 They actually came in February, because what they had
8 told me in November when I declined, they said, "Well,
9 if you don't want us to come now, when do you want us to
10 come?" I said, "Maybe in January some time."

11 They said, "Okay. Contact us in
12 January." So I started contacting them in January. So
13 then when I tried to set them up in January -- and I had
14 set up some dates.

15 And then when I contacted them they said,
16 "No, we can't do it then," after I had set everything
17 up. And then they turned around and gave me some more
18 dates. And then we set up on those dates, which ended
19 up being in February.

20 Q. And did they say why they couldn't do the
21 dates in January?

22 A. Well, they said that I did not give them
23 enough time. So we went -- just went back and forth for
24 a while. So they ended up coming before the early
25 voting period started in February.

1 Q. And how much time, approximately, did you have
2 to advertise that those units were going to be here?

3 A. I have to look at these dates. I think about
4 a week maybe.

5 Q. So only about a week?

6 A. Yeah, I think so. I think about a week,
7 because I remember we did fliers at the church, at
8 different churches and stuff. We had fliers as soon as
9 we could. And I sent it to the radio stations.

10 Q. And this is when you said, I believe, from
11 before, you said this is when you did the election
12 identification campaign, the EIC campaign.

13 A. Right.

14 Q. And so you mentioned fliers, you contacted the
15 radio stations, or did you again pay for radio
16 advertisements?

17 A. No, we just e-mailed -- well, it's like a
18 public service, so I didn't have to pay for that.

19 Q. Do you know if they ended up airing those
20 advertisements?

21 A. They did. They would announce it.

22 Q. And do you have any sense for how many times
23 they aired that announcement?

24 A. No, I don't.

25 Q. Do you know if those announcements were both

1 in English and in Spanish?

2 A. That, I don't know either.

3 Q. Okay. So when you did this campaign in
4 February to advertise the mobile EIC units, you think
5 you had about a week, did you feel that that was enough
6 time to advertise the mobile units?

7 A. Well, it was better than a couple days. It
8 was better than a couple of days.

9 Q. Did the county provide any staff for those
10 mobile units?

11 A. No, it was their staff, DPS staff.

12 Q. DPS staff. And did any -- did the county
13 actually provide any resources?

14 A. No. The only thing we did, my elections
15 manager went out there to meet them to make sure that
16 they had what they needed, make sure that the building
17 was opened, and they had whatever electrical outlets and
18 stuff that they needed. That's all that we did.

19 Q. And you mentioned two locations were used.
20 What were those two locations?

21 A. One location was the Alice Keith Community
22 Center on Highland. That's here in Beaumont. And the
23 other one was the Port Arthur Public Library. Of
24 course, that's in Port Arthur. And the dates were
25 February 26th and February 27th.

1 Q. And you're looking at an e-mail exchange?

2 A. I'm looking at the two sites here, yeah, that
3 we had.

4 Q. How were these two locations chosen? Did the
5 Secretary of State's office choose them, did the DPS
6 chose them, or did the county choose them?

7 A. No, the county chose them, we chose them. We
8 talked to the commissioners, what was neutral to the
9 communities, what would be a good site, what was
10 available, what was public buildings, and where would we
11 get the most people in the community to go. And that's
12 what we decided to do.

13 Q. So it sounds like two of the factors were
14 where places that a lot of people in the community would
15 go?

16 A. Right.

17 Q. What was a neutral territory?

18 A. Yeah.

19 Q. Were there any other considerations?

20 A. There were a couple other considerations, but
21 we looked at the areas and, you know, the buildings, the
22 parking, the community, where was it needed most. I
23 mean, when you talk about needing photo ID, what
24 community really needs photo ID.

25 I mean, if you look at the area, you

1 would think that most people in the west end of Beaumont
2 would not need photo ID. So why would you want to put
3 it out in the west end? That would be a waste.

4 So that's some of the things we took into
5 consideration, where we wanted to put it.

6 Q. So I don't know Beaumont very well.

7 A. Okay.

8 Q. So what is the west end?

9 A. It's like a ritzier part of Beaumont.

10 Q. So a wealthier area?

11 A. Wealthier area, yeah.

12 Q. So the areas that you chose, one of the
13 considerations was the income of the area?

14 A. Right.

15 Q. Did you also look at all at the racial
16 characteristics of the area?

17 A. Absolutely.

18 Q. And why was that?

19 A. Well, because -- because you want to look at
20 what would the need be.

21 Q. And so you had a sense that there might be a
22 greater need for ID among low income?

23 A. Right, among minorities.

24 Q. And minorities groups?

25 A. Right.

1 Q. So it sounds like you looked at the racial
2 characteristics of the areas, the income characteristics
3 of the areas, where there was space, where was a neutral
4 area, where the public goes. Were there any other
5 considerations that were important?

6 A. That covered it. What was available, of
7 course.

8 Q. And you said the Commissioners Court was
9 involved in making some of those decisions.

10 A. Well, I talked to the commissioners,
11 individually, you know, because I can't gather more than
12 three. Then you have a quorum, so --

13 Q. So were the mobile units ever sent to special
14 events, like fairs?

15 A. No. That was the only time that they were
16 down here.

17 Q. Was there ever any discussion about sending
18 mobile units to senior citizen centers?

19 A. No. This was the only time that they were
20 going to come down here. This is the only time offered
21 to us, period.

22 Q. Did you ever request to have more units sent
23 down here?

24 A. No. Like independent, this is the only two
25 days they were willing to give us, so we took what they

1 were willing to give us.

2 Q. And did they say, "We can't do more than two"?

3 A. Well, this is what they offered, and this is

4 what we took, so --

5 Q. Okay. So you didn't have to pay any money for
6 the mobile EIC units?

7 A. No.

8 Q. Do you have any -- do you know how many IDs
9 were issued at the mobile EIC units?

10 A. No, I don't.

11 Q. Do you know if any were issued?

12 A. No, I don't.

13 Q. You don't know?

14 A. They didn't give me a report.

15 Q. Do you know if there have been any EICs issued
16 by DPS within Jefferson County?

17 A. No, I don't.

18 Q. And is that because you were not given a
19 report about that?

20 A. Yeah, I don't have any contact with DPS.

21 Q. And no one from DPS or the Secretary of
22 State's office has ever contacted you about how many
23 EICs have been issued?

24 A. No.

25 Q. Now, you also mentioned the county has a

1 Web site. Did information about the EIC units go up on
2 the Web site?

3 A. Yes, it did.

4 Q. And that would be about a week in advance?

5 A. Right. It was posted -- as soon as we
6 confirmed the dates with them, it was posted on the Web
7 site.

8 Q. Were there any locations that you wanted to
9 send EIC units that the Secretary of State's office, or
10 the Department of Public Safety said they could not use?

11 A. No.

12 Q. So they left it up to you pretty much to
13 choose?

14 A. Right.

15 Q. Okay. Now, you mentioned -- so you brought up
16 before that there may be one allegation of voter fraud.
17 Is there -- if you think that there's voter fraud going
18 on in the county, what happens? Do you refer that to
19 someone?

20 A. Yes, I refer it to the district attorney's
21 office.

22 Q. Anyone else?

23 A. No, I leave it up to them where it goes from
24 there.

25 Q. Okay. And have you referred any cases to the

1 district attorney's office?

2 A. Yes, just this one.

3 Q. And what were the circumstances of that one?

4 A. It was a mail ballot, a request for a mail
5 ballot that we received. And then we got a -- we got a
6 report from the voter registrar saying this person was
7 deceased, so I sent that up.

8 Q. So you mentioned that you've been county clerk
9 since October of 2004. Are there any other instances of
10 alleged voter fraud that you can recall from your time
11 as county clerk?

12 A. No, I can't.

13 Q. So the only instance of voter fraud that you
14 can recall is this one potential fraud related to a
15 request for a mail ballot?

16 A. Right.

17 Q. And have you referred this case to the
18 district attorney's office?

19 A. I have.

20 Q. Have they -- do you know whether there's been
21 any prosecution for that?

22 A. Not at this time. I think it's still in
23 review at this time.

24 Q. So are you aware of any instances in Jefferson
25 County that S.B. 14 could have prevented -- let me

1 rephrase that, sorry.

2 Are you aware of any instances of voter
3 fraud in Jefferson County that S.B. 14 could have
4 prevented?

5 MR. KEISTER: Object to form. Calls for
6 speculation.

7 A. No.

8 Q. (By Ms. Simson) So the only instance of voter
9 fraud that you're aware of is a mail-in ballot?

10 A. That's correct.

11 Q. Okay. Now, to turn to the
12 substantially-similar names provision that we've talked
13 about, who makes the decision -- when a voter walks in,
14 who do they hand their ID to?

15 A. The clerk at the desk, whoever is processing
16 the voter at that time.

17 Q. And so the election clerk processes the voter.
18 And what happens, the voter hands their ID over?

19 A. Right.

20 Q. And then the election clerk, what does the
21 election clerk do with the ID?

22 A. We have voter administration tablets and we
23 have all the voters listed. So their names should match
24 what their voter registration says.

25 And in the voter registration database,

1 they also have their former names as well. For
2 instance, for a female, you may have a former name,
3 which will help with your identification.

4 Q. So the election clerk takes the ID, looks it
5 up in this tablet. Do they swipe the ID in a machine?

6 A. No.

7 Q. Okay. So they just type in the last name or
8 the first name?

9 A. Right.

10 Q. And look the person up?

11 A. Uh-huh.

12 Q. And so the election clerk has the ID. Are
13 they the ones who decide whether the ID is substantially
14 similar to the voter list?

15 A. Right.

16 Q. And did the county give any guidance beyond
17 what the Secretary of State's office gave out about what
18 substantially similar means?

19 A. Yeah, that's part of our training.

20 Q. And what kind of additional guidance did you
21 give?

22 A. Well, it was part of the training that came
23 from the Secretary of State's office about similar
24 names. And it's part of the training that we have, you
25 know.

1 Just basically, you have to -- you have
2 to look at the names, and some things are just kind of
3 like common sense stuff.

4 Q. We went over this a little bit before, but you
5 did not do any sort of pre-match before the election
6 where you said, "Here's what this person's name is on
7 the voter list, here is a person in the driver's license
8 database, so we think their ID is a match"? You didn't
9 give any guidance in advance to the clerks about the
10 voter ID?

11 MR. KEISTER: Object to form.

12 A. No, they wouldn't know until they get there.

13 Q. (By Ms. Simson) So there was no information
14 in advance to tell the election clerk to tell this
15 person might be a match or not a match?

16 MR. KEISTER: Object to form.

17 A. No, we have some samples here. When we talk
18 about slightly different, customary variations, and
19 different fields.

20 So we talk about that, like spelling,
21 could be slightly -- could be different. Some people
22 might spell Doris D-O-R-R-I-S, versus D-O-R-I-S.

23 Q. (By Ms. Simson) And what document are you
24 looking at right now?

25 A. I'm looking at part of our training.

1 Q. And is this the training that the Secretary of
2 State's office gave --

3 A. Right.

4 Q. -- or is this stuff that the county developed?

5 A. The training the Secretary of State gave that
6 we implemented.

7 Q. Okay. So did you use the same examples from
8 the Secretary of State's office?

9 A. Right.

10 Q. And did you provide any additional examples
11 that the county developed?

12 A. I did, which is kind of funny. I provided,
13 like even -- what I provided also was on there, like
14 when you're talking about transposing numbers, like for
15 their birth date, sometimes, you know, even on their
16 driver's license, they will transpose numbers. They
17 need to get it corrected.

18 Look at birth dates, like, it may be
19 1-27-52, they may have 1-17-52. Or they may misspell
20 the name and stuff.

21 Even looking at a picture, sometimes on
22 their driver's license it may not look exactly like
23 them. They may have changed their hairstyle, something,
24 but you've got to really look and use some common sense
25 sometimes, is that really that person.

1 And that's what I expect them to do. And
2 then when all else fails, I tell them that's why they
3 have the judges and their alternate judges there to help
4 them to make those decisions.

5 And if all else fails, before you turn
6 down a voter, that's what we're here for. Many days I
7 jump in a car, drive to a polling location to make a
8 decision.

9 Q. So did that happen at all in any of the
10 elections where you got a call and they said, "We have
11 an issue," and you had to go to a polling place?

12 A. Not for similar names. I've not had to do
13 that, you know.

14 Q. Okay. And so if the election clerk thinks
15 that someone's name is substantially similar, but not an
16 exact match, what happens?

17 A. If they think it's substantially similar?

18 Q. Uh-huh.

19 A. And not a match? Then they should let them
20 vote.

21 Q. And does the voter have to do anything in
22 order to vote?

23 A. They need to fill out a form.

24 Q. Okay. And what form is that?

25 A. It's just a form saying, "Yes, that's me."

1 And we have forms for that, and it's in their kit, and
2 they fill it out.

3 Q. And is that a little box on the poll book, or
4 do they have to fill out a longer form?

5 A. No, it's an actual form.

6 Q. And so if a person is found to have a
7 substantially-similar name but not an exact match, they
8 have to fill out a form?

9 A. It's just an affidavit saying, you know, this
10 is -- "this is me, this is my name."

11 Q. And does the voter fill that out?

12 A. Right. It's something that the voter fills
13 out, because it's like an affidavit.

14 Q. And is that included in the documents you have
15 today?

16 A. I don't have a sample of that form in the
17 documents today, but it is in their -- it is in their
18 training material, in their kit.

19 Q. Are all of the training materials included in
20 the documents you've brought with you today?

21 A. No, not all of it. Well, the training
22 material -- but the training material does not include
23 everything that's in their binders that go to the
24 polling location.

25 Because there are forms that they have to